

To all member landlords

28 July 2023

Dear Chief Executive

Social Housing (Regulation) Act 2023

You will be aware the Social Housing (Regulation) Act has received Royal Assent. This is an important moment to raise standards for resident services and listening more effectively to the needs of residents. The result should be greater quality, transparency and accountability.

This includes complaint handling and starts a process to build on the work of the last few years to create a positive complaint handling culture, and make complaints count.

I wanted to set out clearly how the Ombudsman's powers and your role will change following the Act, and how to prepare for the steps we will take to implement the measures relating to complaints.

Starting in September 2023, the Housing Ombudsman will adopt a range of new powers, including: the ability for us to introduce a new type of order in our decisions where the lack of good policies and practices are leading to common themes in complaints; elevating the Complaint Handling Code to a statutory code of practice, and a duty to monitor compliance with this; and the statutory power to issue good practice guidance. This letter does not focus on our forthcoming role as the complaints body for the Access to Information Scheme, which will be introduced following new regulations as I will communicate on that separately in the future.

Being mindful of the volume of changes coming to landlords through this Act, I wanted to take this opportunity to set out in further detail our intended roadmap to engaging, consulting and implementing these powers.

Consultation on the Complaint Handling Code

The Act places our [Complaint Handling Code](#) on a statutory footing for the first time and introduces a new duty on landlords to comply with the Code. The Act also places a duty on us to consult with member landlords, residents and the Regulator of Social Housing before issuing the statutory Code. We will also be duty-bound by law to monitor member landlords compliance with the Code.

We plan to launch the consultation by the end of September, with the aim of having a statutory Complaint Handling Code take effect from 1 April 2024.

It is our intention for the central requirements of the Code to remain unchanged from the one first published in 2020. The existing Code will remain a condition of Scheme membership and obligations on landlords between now and 1 April will remain unchanged; we will continue to take action where appropriate. What will be different with the statutory Code is the legal duty on landlords to comply with it and our ability, through the duty to monitor, to intervene with a landlord

even when we have not received a complaint. We will set out our approach to monitoring when we consult and follow this up with further guidance.

We are also exploring with the Local Government and Social Care Ombudsman extending the Code across both of our jurisdictions, given some councils fall within both of our remits. This will have limited, if any impact, for housing associations and should benefit stock-owning local authorities by aligning housing with corporate complaint handling. We will provide further information in September.

Introduction of wider orders on landlord policies and practice

We will also have the power to issue a new type of order if we identify shortcomings which we judge may give rise to further complaints on a particular theme, allowing us to remedy beyond the individual complaint. This will allow us to order members to review their policy or practice on that matter. This change in the law will be reflected in minor amendments to our Scheme, and we intend to begin using this power from September 2023.

This will mean that some remedies which previously would have been made as a recommendation will become orders, with evidence of compliance required to be provided by landlords. We will publish a guidance note detailing our approach on our website over the summer.

Powers to issue guidance on good practice

Complimenting wider orders will be a new power for us to issue statutory good practice guidance. The Act gives us the power to issue this guidance following consultation and to require a landlord to self-assess against where we have concerns. We plan to engage with landlords and residents in late 2023/early 2024 as to our intended approach with a view to introducing good practice guidance later in 2024.

Our intention is for good practice guidance to be distinct from our Spotlight reports, which we will continue to publish as usual with our next report examining communications and relationships.

I look forward to your engagement in establishing our new approach and framework to our new powers so we can work together to improve service standards for residents and promote good practice across the sector.

Yours,



Richard Blakeway
Housing Ombudsman